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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,566	12/22/1999	KENDYL A. ROMAN		6309

36664 7590 04/08/2005

KENDYL A ROMAN
730 BARTEY COURT
SUNNYVALE, CA 94087

EXAMINER

SEFI, BEHROOZ M

ART UNIT PAPER NUMBER

2613

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/470,566	Applicant(s) ROMAN ET AL.	
	Examiner Behrooz Senfi	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-37 is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Examiner withdraws the previous 35 U.S.C. 112, first paragraph rejection (Paper No. 23, dated Jul. 14, 2004) of claims 21 – 24, with respect to “Declaration regarding amendatory material” which are provided by Applicant in the present amendment (filed on Jan. 14, 2005).

Applicant’s amendment (filed on Jan. 14, 2005) adds new claims 25 – 37.

Election/Restrictions

2. Newly submitted claims 21 – 24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The scope and nature of the independent claims 1 and 21 are distinct and different, even though both independent claims 1 and 21 are directed to a compression methods, however the steps of compression as cited in the claims are distinct and different from one another, for example (in claim 21, the compression is based on matching the illumination intensity value with a line number and determining if the current line number matches the previous line number, which are different in nature of the compression steps as cited in claim 1”.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21 – 24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert et al. (US 5,047,853) in view of Brusewitz et al. (US 6,384,862) for the same reason as set forth in the last office action (Paper No. 23, dated Jul. 14, 2004).

Response to remarks:

Applicant main arguments (pages 13 – 15 of remarks, filed Jan. 14, 2005) are that, Hoffert's method is a block based coding whereas the present invention is a pixel based coding.

In response, it is within the teaching scope of Hoffert, that pixel based coding would have been obvious as supposed to block based coding because the two teaching are alternatives to one another depending upon the designer and desire for processing speed versus accuracy of prediction. Examiner takes Official Notice of this fact.

Applicant argues (pages 15 - 20 of remarks, filed Jan. 14, 2005) that claim 1, claim 15, claims 2, 3, 4, 5, 6, 7, 8, 9 - 12 and 19 – 20 are not made obvious by Hoffert in view of Brusewitz, because the primary reference to Hoffert has not rendered the claimed invention obvious.

Examiner disagrees. Hoffert as explained above would have rendered the claimed invention obvious. Brusewitz reference was introduced for a specific purpose as discussed in the last office action. Therefore, the combined teaching of Hoffert and Brusewitz are proper.

Allowable Subject Matter

5. Claims 25 – 37 are allowed over the prior art of the record.
6. The following is an examiner's statement of reasons for allowance: the prior art of the record fails to anticipate or rendered obvious the compression steps of Graphic images for producing a video stream as cited in independent claim 25.

Claims 26 – 37 are allowable with respect to claim 25.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571)272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(571)272-7331**.

Art Unit: 2613

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:


(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

4/2/2005


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
CENTER 2600